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Paul T. Clark
Clark & Elbing, LLP
101 Federal Street
Boston MA 02110

In re Application of:
Kraus et al.
Serial No.: 09/698,893
Filed: October 27, 2000
Attorney Docket No.: 07588-008001

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on February 4, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed July 13, 2004.

A review of the file history shows that the examiner mailed an Office action to applicants on July 13, 2004, setting a three-month statutory time period for reply. On January 25, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was filed on January 13, 2005, showing a Certificate of Mailing executed on the same date of January 13, 2005. Applicants also submit a copy of the post card identifying the various papers filed on January 13, 2005. The postcard also has a USPTO date-stamped receipt of January 18, 2005.

In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the response of January 13, 2005.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Jasemine C. Chambers
Director, Technology Center 1600